

ORIGINAL

2 to Ct w/ order

60
8/12/02
JR

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YORK WALLCOVERINGS, INC., :

Plaintiff, :

v. :

S.A. MAXWELL COMPANY, INC. :
and JAIMA BROWN, :

Defendants. :

NO. 1:CV-01-0793

(The Hon. Sylvia H. Rambo)

FILED
HARRISBURG, PA

AUG 09 2002

WARY E. D'AMOREA, CLERK
Per RB

DEFENDANTS' MOTION IN LIMINE TO LIMIT PLAINTIFF'S TRIAL
TESTIMONY AND EXHIBITS TO THE TWO COLORWAYS OF THE
MAXWELL SIDEWALLS AND BORDERS COMPLAINED OF IN THE COMPLAINT

1. Defendants, S.A. Maxwell Company, Inc. and Jaima Brown ("Defendants"), submit this motion in support of their Motion In Limine to Limit Plaintiff's Trial Testimony and Exhibits on its Copyright Infringement Claim to the Two Colorways of the Maxwell Sidewalls and Border Complained of in the Complaint.

2. The Complaint herein in paragraphs 20 and 21 refers to "two color combinations" of Maxwell's elephant and palm sidewalls and borders and in paragraphs 24, 25 and 28 complains of "both color combinations." Definitions C and D to Plaintiff's Interrogatories Addressed to Defendants and Definitions 3 and 4 to Plaintiff's Request for Production of Documents Addressed to Defendants, both dated October 2, 2001 and attached to the affidavit of Albert Robin submitted in opposition to the motion for a preliminary injunction, define the "Maxwell Wallpaper" and "Maxwell Border" as referring to "both color combinations" of the

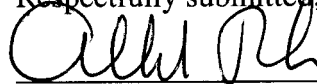
wallpaper and border manufactured by Maxwell and referenced in Paragraphs 20 and 21 of the Complaint.

3. Since the time for Plaintiff to amend its complaint has long since passed, Defendants are entitled to an order limiting Plaintiff's trial testimony and exhibits on its copyright infringement claim to the two colorways of Maxwell's elephant and palm sidewall and the two colorways of Maxwell's elephant and palm border complained of in the complaint.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their motion and limit Plaintiff's trial testimony and exhibits on its copyright infringement claim to the two colorways of Maxwell sidewall and border complained of in the Complaint.

Dated: New York, New York
August 8, 2002

Respectfully submitted,



Albert Robin (AR-7254)
Robin Blecker & Daley
Attorneys for Defendants
330 Madison Avenue
New York, NY 10017
(212) 682-9640

Of Counsel:

Joseph L. Turchi
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107